DECISION RECORD
Horn Butte Fire N352
Emergency Fire Rehabilitation Plan
and
Environmental Assessment
OR-054-01-001
Prineville District, Bureau of Land Management

Decision:

Based on the information in the EA and other information available at this time, it is my decision to allow the fire rehabilitation to proceed as outlined in the EA. Seeding will be accomplished with rangeland drills and aerially in areas highly prone to wind or water erosion, using the proposed native seed mixtures. Substitution for alternative native species seed may occur if the availability of the proposed species seed is limited.

Alternatives Considered:

Preferred Alternative: Seed 1600 acres to native grasses and shrubs, apply herbicide to 150 scattered acres of Yellow starthistle and Diffuse knapweed, repair fence posts and wire as needed, and restrict grazing to those areas outside the burn.

Alternative 1: Alternative 1 is the same as the preferred alternative with the exception that no spraying of noxious weeds would occur.

Alternative 2 (No Action): No Action. Do not seed selected burn areas, spray for noxious weed control, or exclude livestock from the burn area. Fence repair would be required for livestock control.

Rational for Decision:

The area to undergo rehabilitation is in poor to fair condition, primarily as a result of past land management practices. The fire removed most perennial plant species and litter capable of holding soil in place. The soils involved in the area of rehabilitation have moderate to high potential for wind erosion. There is high potential that noxious weed species will invade the burned area in poor to fair condition.

The proposed action does not result in any undue or unnecessary environmental degradation and design standards and use of native species for reseeding will adequately mitigate environmental impacts. The proposed treatments of seeding, noxious weed control, fence repair, and livestock exclusion for two years would facilitate moving the system toward a mid or late seral condition. The establishment of desirable vegetation would also improve the structure and diversity of the vegetation in the system. The proposed action would enhance forage, browse, and nesting habitat for wildlife species (namely the long-billed curlew) and decrease the intensity and frequency of future wildfires.

Compliance and Monitoring:

The proposed actions is in accordance with the Two Rivers Resource Management Plan and Record of Decision, dated June 1986,the Horn Butte Long-billed Curlew Management Plan and Record of Decision, dated March 1989and the Prineville District Integrated Weed Management EA No. OR-053-3-62.

The burn area and the adjacent unburned BLM lands will be monitored by BLM personnel and Gilliam County Weed Officers for Yellow starthistle and Diffuse knapweed following the initial herbicide treatment. Additional weed control activities will be planned according to need expressed by this monitoring.

Terms / Conditions / Stipulations:

No livestock grazing may occur in the rehabilitation areas for a period of two years following the seeding. Grazing occurring after that period will be managed to facilitate growth of the seeded species.

Seeding would occur between January 1, 2001 and February 15, 2001 to avoid disturbance to Washington ground squirrels (*Spermophilus washingtoni*) and long-billed curlew (*Numenius americanus*).

No spraying would occur between March 15 and May 30 to avoid impacts to nesting long-billed curlews.

_____ _____

Danny L. Tippy Date
Acting Central Oregon Resource Area Manager

Comments From:

Karen Coulter, Blue Mountain Biodiversity Project
HCR-82
Fossil, OR 97830

Re: Horn Butte Fire Emergency Rehabilitation Plan, EA #OR-054-01-001

Comments are in italics **and responses are in plain text**

There is no public disclosure or analysis in this EA of the potential impacts of herbicide use, no prevention plan, no mitigation– not even for emergency spills!– without these, herbicide use is unjustified and the FONSI is unwarranted (esp. as herbicides could be expected to result in irreversible commitment of resources re: potential impacts to soil fertility and water quality as well as the killing of native broad-leafed plants and potential impacts to special status and sensitive wildlife species dependent on native plants and/or insects (eg. Long-billed curlew and Burrowing owl, and most of the others named on p.6 of the EA.). Picloram is known to contaminate ground water so the FONSI determination for water quality is also unwarranted. Herbicide use is also a known threat to public health and safety, so that (related) FONSI determination is also unwarranted. Herbicide use also has known potential cumulative affects and could impact sensitive species in the area through the elimination of native plants used for nesting and toxic contamination or elimination of seeds or prey (esp.) insects used for food.

As stated in the Description of Alternatives under the Proposed Action, item 2 labeled Herbicide Application, "Application would be in accordance with the Prineville District Integrated Weed Management EA No. OR-053-3-62." In addition, as stated in the section B labeled Environmental Impacts of the Proposed Action and Alternatives for the Proposed Action, item c. labeled Noxious Weed Control, "The environmental impacts of *ai picloram* have been fully analyzed in EA No. OR-053-3-62."

The Prineville District Integrated Weed Management EA No. OR-053-3-62 analyzed two alternatives: Alternative 1, a full IWM program for all BLM lands (including herbicide use), with provisions for more detailed weed management EA's for Wilderness Study Areas (such as the Lower John Day River IWM EA) and Alternative 2, allowing for herbicide use on BLM lands except within Wilderness Study Areas or potential future Wilderness Areas. No Use of Herbicides, No Aerial Herbicide Application, and No Action were considered but not analyzed in this EA because these alternatives were all analyzed in the NW Area Noxious Weed Control Final EIS 1985 and Supplemental FEIS 1987 and their respective RODs. No further analysis of these alternatives was included in the EA because analysis in the FEISs and RODs were considered applicable to the district level. The selected Alternative 1 and ROD contain mitigations and stipulations governing our chemical weed control activities. The analysis and Finding of No Significant Impact (FONSI) for EA # OR-053-3-062 and it's tiered documents (Vegetative Treatment on BLM Lands in Thirteen Western States FEIS (1991), Northwest Area Noxious Weed Control Program Supplemental FEIS (1987), and Northwest Area Noxious Weed Control Program FEIS (1985)) has been affirmed in IBLA 94-692, 94-726, 94-727, decided July 7, 1997.

Since we have proposed to apply the Prineville District's current weed control activities as described and analyzed in The Prineville District Integrated Weed Management EA No. OR-053-3-62 and its tiered documents, and as stated in the Description of Alternatives under the Proposed Action, item 2 labeled Herbicide Application, "no spraying would occur between March 15 and May 30 to avoid impacts to nesting long-billed curlews.", we feel that a FONSI determination is warranted.

However, as a result of your comment, a more complete reference to the decisions and analysis pertaining to the Prineville District's Integrated Weed Management Program would be: **The Prineville District Integrated Weed Management EA No. OR-053-3-62 and it's tiered documents (Vegetative Treatment on BLM Lands in Thirteen Western States FEIS (1991), Northwest Area Noxious Weed Control Program Supplemental FEIS (1987), and Northwest Area Noxious Weed Control Program FEIS (1985)).**

The EA also has an insufficient range of alternatives as there is none that would include manual control of exotic or noxious weeds without herbicide use.

Manual control of noxious weeds was considered. Cursory analysis considering the size of the area infested, the magnitude of labor and costs to manually pull weeds, and timing to avoid disturbance to nesting Long-billed curlews convinced us that manual control is not a viable option needing no further analysis for this area, especially when compared to much lower cost and more effective treatment with picloram.

There are no studies or survey results cited or scientific models and data presented to support the "risk analysis" and "Risk of resource value loss or damage" conclusions. The Summary questions # 1, 2, and 3 have conclusions (answers) and rationale for answers that are similarly unsupported by scientific data, study results or models.

Weed control within the Prineville District has been outlined and analyzed within two Environmental Assessments (EA's) which are tiered to two regional Environmental Impact Statements (EIS's).

The Prineville District's first weed management document is the Prineville District Integrated Weed Management EA (OR-053-3-062). This district-wide EA analyzed two alternatives: Alternative 1, a full IWM program for all BLM lands (including herbicide use), with provisions for more detailed weed management EA's for Wilderness Study Areas (such as the Lower John Day River IWM EA) and Alternative 2, allowing for herbicide use on BLM lands except within Wilderness Study Areas or potential future Wilderness Areas. No Use of Herbicides, No Aerial Herbicide Application, and No Action were considered but not analyzed in this EA because these alternatives were all analyzed in the NW Area Noxious Weed Control Final EIS 1985 and Supplemental FEIS 1987 and their respective RODs. No further analysis of these alternatives was included in the EA because analysis in the FEISs and RODs were considered applicable to the district level. Alternative 1 was selected and the analysis and Finding of No Significant Impact (FONSI) for EA # OR-053-3-062 and it's tiered documents (Vegetative Treatment on BLM Lands in Thirteen Western States FEIS (1991), Northwest Area Noxious Weed Control Program Supplemental FEIS (1987), and Northwest Area Noxious Weed Control Program FEIS (1985)) has been affirmed in IBLA 94-692, 94-726, 94-727, decided July 7, 1997.

The Prineville District's most recent document pertaining to weed control, the Lower John Day River Integrated Weed Management EA (OR-054-3-063), analyzed two alternatives as a result of the provisions for more detailed planning needs for Special Emphasis Areas outlined in the District Wide IWM EA: Alternative 1, a full Integrated Weed Management (IWM) program including the use of herbicides within the river corridor's four Wilderness Study Areas, and Alternative 2, a weed management program without herbicides in the four Wilderness Study Areas. The preferred alternative (Alternative 1) included all weed management practices (preventative (cultural), manual, mechanical, prescribed fire, biological, and chemical) on BLM lands along the Lower (RM 10 to 122) in four Wilderness Study Areas (WSA's) and potential future WSA's along the lower John Day River , and the designated Wild and Scenic River. As in the Prineville District IWM EA, considered but not analyzed were No Use of Herbicides, No Aerial Herbicide Application, and No Action because these alternatives were all analyzed in the NW Area Noxious Weed Control Final EIS 1985 and Supplemental FEIS 1987 and their respective RODs. No further analysis of these alternatives was included in the EA because the analysis in the FEISs and RODs was considered to be applicable to the district level. Alternative 1 was selected for implementation on the lower John Day River and the four WSA's within this corridor.

The first regional FEIS to which the Prineville District's Weed Management EA's are tiered is the Vegetative Treatment on BLM Lands in Thirteen Western States FEIS (1991) and its respective ROD. The alternatives considered and evaluated in the EIS are as follows: Alternative 1 (Proposed Action), all methods of vegetation treatment at an increased level; Alternative 2, no aerial application of herbicides; Alternative 3, no use of herbicides; Alternative 4, no use of prescribed burning; and Alternative 5, no action (continue current management). The selected alternative for the Thirteen Western States FEIS (1991) was alternative 1.

The last documents to which the Prineville District's Weed Management EA's are tiered are the Northwest Area Noxious Weed Control Program Supplemental FEIS (1987), the Northwest Area Noxious Weed Control Program FEIS (1985), and their respective RODs.

The Northwest Area Noxious Weed Control Program FEIS (1985) considered four alternatives. Alternative 1 (Proposed Action) included all approved methods of noxious weed control. Alternative 2 considered no aerial application of herbicides to control noxious weeds. Alternative 3 considered no use of herbicides to control noxious weeds. And finally, Alternative 4 considered no attempts at all to control noxious weeds (no action alternative). The proposed alternative (alternative 1) was selected for implementation in Oregon and Washington.

The Northwest Area Noxious Weed Control Program Supplemental FEIS (1987), took a harder look at the environmental and health risks associated with the herbicides proposed for use in the proposed action in the ROD for the Northwest Area Noxious Weed Control Program FEIS (1985) and concluded that the BLM would accept the environmental consequences associated with using herbicides to obtain their benefits in controlling and eradicating noxious weeds.

Mitigations / Stipulations for noxious weed control

The following District mitigation/stipulations apply to the District's Integrated Weed Management program for all noxious weed control activities both on the Lower John Day River and all BLM lands outside the Lower John Day River with the only exception of WSA's without specific management plans or EA's pertaining to weed management:

1. Cultural (prevention) activities such as inspection (weed surveys), regulation (ROWs), sanitation (wash and clean vehicles) and education will be encouraged and enforced for all high priority developed multi-use recreational areas, especially those along the Lower John Day River.

2. Physical control practices (Mechanical) such as mowing, tilling, disking, seedbed preparation, and prescribed burning (if over 40 acres) treatments will require a separate EA. Small mechanical treatment areas of less than 5 acres may only require a CE.

3. All manual control practices (hand pulling and hand tools) will be done before seed ripe or dispersal and the plant residue collected as needed for burning (piles) or bagged and removed from site(s). On small isolated sites such as undeveloped primitive camp sites along the JDR manual control may be given priority consideration and users are encouraged to manually pull, grub, or hoe out the few plants to small patches of noxious weeds. Educational brochures identifying weed species of concern will be made available at all developed boating access points.

4. Biological control practices methods such as introduced insects, competitive seedings, pathogens or grazing (goats or sheep) will be given consideration District wide. ODA approved biocontrol agents (insects or pathogens) will be given emphasis for release to control/contain larger infestations where containment is major goal. The approval for release of beneficial insects or pathogens must use the same procedures as herbicides using the Biological Control Agent Release Proposal (BCARP) and Record (BCARR). Only ODA approved biological control agents will be allowed for release after District and State Office approval.

5. A Special Status Plant and Animal survey or clearance will be done prior to any treatment.

6. A cultural survey or clearance is required before any soil surface disturbing activity from physical weed control practices (mechanical or prescribed fire) occurs. Hand pulling, grubbing or hoeing a few plants or scattered plants on public land sites less than 5 acres (such as undeveloped campgrounds along the Lower JDR in WSAs and/or WSRs is authorized)

7. All herbicide use will comply with USDI rules and policy, BLM policy and guidelines, Oregon State laws and regulations, OR Department of Agriculture (ODA) laws and regulations, Environmental Protection Agency (EPA) , federal pesticide laws (FIRCA), Oregon Department of Environmental Quality (DEQ) regulations, Local County Weed District Priorities and requirements and by Law must follow product label requirements.

8. All pesticide (herbicide) applicators are required to submit proposals using
1.) a Pesticide Use Proposal (PUP) form (which BLM may approve for use of up to 3 years, if same chemical, same target weed, and same area);
2.) a Pesticide Application Record (PAR) to be completed after application and promptly submitted to the district office.

9. All herbicide applications will only be applied by a Oregon State licenced and certified applicator.

10. Material Safety Data Sheets (MSDSs for each herbicide being applied will be at site with applicator, and guidelines and information found in "Oregon Pesticide Applicator Manual" as updated will be followed

11. Areas of known or suspected Federal Listed, Candidate or Proposed or Oregon Candidate (old C-1) or Species of Concern (old C-2) amphibians will have as a minimum 100 foot buffer strip from live water for all herbicide applications, with the exception for the use of Rodeo.

12. Use of existing trails/access routes or roads for emergency weed control activities will be allowed by vehicles even in WSAs, but use off existing routes for prescribed fire, herbicide application, or seeding practices will only be by ATV type vehicles. All seeding in WSAs will be by broadcast methods.

13. Herbicide Use Restrictions are as follows:

a. No vehicle mounted or powered boom sprayers or handguns will be used within 25 feet of surface (live) water.

b. No booms or powered equipment applicators would be used in riparian areas, where weeds are closely intermingled with trees and shrubs.

c. Liquid herbicides can be applied (at a height of 0.5 ft to 2.5 ft. above ground) to areas for spot treatments with hand spraying (backpack) equipment (single nozzle, low pressure and volume) to within 10 feet of live water. Use of mule or horse mounted equipment would also be allowed.

d. Spreader equipment (broadcast) could be used to apply granular formulations applied at a height of about 3.5 feet, to within 10 feet of the high water line of live water.

e. Contact Systemic Herbicides (such as Glyphosate - Rodeo or Accord) may be allowed using hand wipe applications on individual plants up to the existing high water line.

f. When wind speeds exceed 5 mph, no spray equipment will be used in riparian areas or near water, and no aerial applications are allowed in riparian or wetland areas. No aerial application of Glyphosate is allowed.

g. No application of herbicides will occur if wind speeds exceed 8 mph.

h. All aerial application of herbicides will be done only by helicopter and allowed within the constraints of the Final NW Area Noxious Weed Control Program EIS (1985) as supplemented 1987, and ROD pages 1-3 (May 5, 1987). A buffer strip of 100 feet will be established between

target weed areas and any live water/riparian areas.

i. No aerial application of herbicides will be permitted without written approval from the authorized officer.

j. No aerial application of herbicides will be permitted when wind speeds exceed 5 mph.

k. For OR/WA only 2,4-D, picloram (Tordon), dicamba, and glyphosate (Rodeo and Accord only) and approved combinations will be allowed as per ROD (1987) from Supplemental FEIS (1987). Acceptable formulations, EPA registration numbers, maximum rates of application, and mixture stipulations are referenced from BLM Approved list March 1994 (see Appendix 6 as updated) and from Table 1-3 p. 9 FEIS (1985)

l. All chemicals will be applied only in accordance with BLM, EPA, ODA requirements, and Herbicide LABEL standards/stipulations.

m. Pesticide Use Proposals (3 year approval) for herbicide application within boundaries of WSAs, or WAs, and RNAS will be reviewed and evaluated by Resource Area staff on a year to year basis.

n. Monitoring pretreatment and posttreatment will be done yearly (pre and post spray applications) on all treated areas.

o. In aerial applications a 500 foot unsprayed buffer strip will be left next to inhabited dwellings unless waived in writing by the residents. A 100 foot buffer of unsprayed strip will be left next to croplands and barns.

p. Additional Herbicides if approved may be used subject to all the above mitigation measures, label restrictions and within limits of ROD or specific approval recommendations.

q. The maximum rates of application for the four approved herbicides (per Table 3-1 from FEIS 1985): (ai = active ingredients of specific herbicide).

Ground Applications (vehicle and hand)

Application of Single Herbicide:

Herbicide	Maximum Rate
2,4-D	3 lb ai/ac
Dicamba	6 lb ai/ac
Glyphosate	3 lb ai/ac
Picloram	1 lb ai/ac

Application of Tank Mixes:

Herbicide	Maximum Rate
2,4-D and Dicamba	2 lb ai/ac 2,4-D & 1.5 lb ai/ac Dicamba
Picloram and 2,4-D	0.5 lb ai/ac Picloram 1 lb ai/ac 2,4-D

Aerial Applications (helicopter only)

Herbicide	Maximum Rate
2,4-D	3 lb ai/ac
2,4-D and Dicamba	2.0 lb ai/ac 2,4-D and 1.5 lb ai/ac Dicamba
Picloram	1.0 lb ai/ac

14. All other stipulations and mitigation in FEIS (1985) pp. 1-7 to 1-10, Supplemental FEIS (1987) pp. 119-122, RODs (1986) or (1987) will apply. In addition, the stipulations and mitigation from the FEIS 1991 and its ROD will apply for all additional chemicals (herbicides) if or when approved for noxious weed control.

There is no justification for the statement that "as stated in the No Action Alternative, the lack of any weed control (seeding) would allow a rapid expansion of yellow starthistle and diffuse knapweed to adjacent federal and private lands" (EA, p.19)– in fact alt. 1 would include seeding as it is "the same as the preferred alternative with the exception that no spraying of noxious weeds would occur." (p. 5, EA)

We apologize for any confusion in regards to this error. You are correct in pointing out that seeding is part of Alternative 1. The statement will be changed in the Record of Decision to say, **"however, similar to the No Action Alternative, the absence of chemical weed control would allow for a continued expansion of yellow starthistle and diffuse knapweed to adjacent federal and private lands."**

There is no real (accurate) explanation in the EA as to why Alt. 1 could not do just as well as the preferred alternative in controlling noxious weeds without using herbicides– especially as "similar seedings have shown positive results" with yellow starthistle (p. 20).

We understand how this statement may be confusing, however, the statement "similar seedings have shown positive results" was made in the context of the Recommended Alternative (Preferred Alternative) as shown on p.19. As disclosed in the Prineville District Integrated Weed Management EA No. OR-053-3-62 and it's tiered documents (Vegetative Treatment on BLM Lands in Thirteen Western States FEIS (1991), Northwest Area Noxious Weed Control Program Supplemental FEIS (1987), and Northwest Area Noxious Weed Control Program FEIS (1985)), native seedings will not control the expansion of noxious weeds. Intervention with chemical, biological, or manual noxious weed controls is needed for native seedings be successful in established populations of yellow starthistle and diffuse knapweed.

We appreciate your proposing to only use native plant seed– why isn't this a consistent policy for all projects?

Since the burn area is a Special Emphasis Area (Horn Butte ACEC) being managed for Long-billed curlew nesting habitat, native plant seed is preferred to preserve the resources needed for the Long-billed curlew during its short nesting period. Although under current management, use of native plant species is preferred, a mixture of native and non-native species is preferable to using only non-natives if all the desired natives are not available, if a non-native plant species is particularly beneficial to wildlife, or if the non-native plant expresses notable resistence to noxious weed spread. Non-natives are minimized in the seed mixture to facilitate the establishment and persistence of the native species and no non-native species will be seeded in WSA's.

For further detail concerning BLM weed and fire management policies, see the Prineville District Weed Management EA # OR-053-3-062, Lower John Day Integrated Weed Management EA # OR-054-3-063, Vegetative Treatment on BLM Lands in Thirteen Western States FEIS (1991) and respective ROD, Northwest Area Noxious Weed Control Program Supplemental FEIS (1987), Northwest Area Noxious Weed Control Program FEIS (1985) and its respective ROD, the Prineville District Fire Management Plan (BLM Manual H-8550-1), the BLM's Emergency Fire Rehabilitation Handbook (H-1742), and the BLM's Introduction, Transplant, Augmentation, and Reestablishment of Fish, Wildlife, and Plants (H-1745).